

REMARKS/ARGUMENTS

Drawing Objection

The Office objected to the Drawing because the specification details a trunk, but there is no reference numerals identifying the trunk figures in the figures.

In response, Figures 1, 2 and 3 have been amended to correct those defects. Accordingly, paragraphs 0011 and 0013 of the specification have been amended to reflect the drawings. The amendment are to correct typo-graphical errors and Applicant maintains that no new matter has been added. Thus, the Applicant request the Office to withdraw these objections.

35 USC 102 and 103 Rejections

The Office rejected claims 1, 13, 18 and 19 under 35 U.S.C 102(b) as being anticipated by Finkelstein. (US 7,040,058). Claims 1-4 and 13 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Wiesener et al. (US 6,546,676).

Claims 5-12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, newly amended claims 1, 13 and 18 were amended to include the limitation of the otherwise allowable claim 11. Neither Finkelstein nor Wiesener et al discloses or even suggests a bird deterrent spike with a base that has a plurality of break points. Applicant respectfully requests the withdrawal of these rejections.

Claims 3, 8, 9, and 12 were also amended to correct typo-graphical errors. Claims 4, 10 and 11 were cancelled. No new matter was added.

Request For Allowance

Claims 1-3, 5-13, 18 and 19 are pending in this application. Applicant requests allowance of all pending claims.

Respectfully submitted,
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